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9

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

13 MIRIAM LEON,

Case No.

14
15 Plaintiff,

16 vs.

DEFENDANT BODEGA LATINA
CORPORATION, dba EL SUPER'S
NOTICE OF REMOVAL

17
18 BODEGA LATINA CORPORATION, d/b/a
EL SUPER, a Foreign Corporation; DOES
19 1 through 20; ROE BUSINESS ENTITIES
20 1 through 20, inclusive jointly and
severally,
21

22 Defendant.
23

24 To: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
25 Defendant, Bodega Latina Corporation, dba El Super, hereby notice the removal
26 of this action to the United States District Court and, in support thereof, states as
27 follows:
28

1 1. On or about April 14, 2017, Plaintiff commenced an action in the Eighth
2 Judicial District Court, Clark County, Nevada, entitled *Miriam Leon v. Bodega Latina*
3 *Corporation, dba El Super*, Case No. A-17-753989-C. A copy is attached as Exhibit i.
4 In the Complaint at ¶1, Plaintiff alleges that Plaintiff is a resident of Clark County,
5 Nevada.

6 2. Service of Summons and Complaint upon Defendant Bodega Latina
7 Corporation, dba El Super was made by personal service on April 20, 2017. A copy is
8 attached as Exhibit ii.

9 3. No further proceedings have been had in this matter in the Eighth Judicial
10 District Court, Clark County, Nevada.

11 4. This Court has original jurisdiction over the subject matter of this action
12 pursuant to 28 U.S.C. §1332. Further, this matter is one that may be removed to this
13 Court pursuant to 28 U.S.C. §1441 because it is a civil action that is between citizens of
14 different states and in which the amount in controversy exceeds \$75,000, exclusive of
15 interest and costs.

16 5. Plaintiff alleges in her Complaint that she was and is, at all times relevant
17 therein, a resident of Clark County, Nevada.

18 6. Defendant Bodega Latina Corporation is a Delaware Corporation
19 headquartered in Paramount, California.

20 7. DOES I-V and ROE CORPORATIONS I-V are named and sued fictitiously
21 and their citizenship is disregarded as a matter of law for purposes of removal on
22 grounds of diversity jurisdiction.

23 8. There is now complete diversity between Plaintiff and Defendant Bodega
24 Latina Corporation.

25 9. The Complaint alleges claims for Negligence.

26 10. In her Complaint, Plaintiff prays for recovery of general damages in
27 excess of \$15,000.00, medical and incidental expenses already incurred and to be
28 incurred, attorney's fees and costs, and for such other and further relief as the Court

1 deems just and proper.

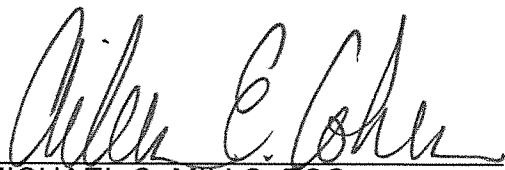
2 11. More than 30 days have not passed since notice of lawsuit was served.
3 However, prior to litigation, Plaintiff did not make Defendant aware of the value of the
4 Plaintiff's claim. May 5, 2017 our office called Plaintiff's counsel and learned of
5 Plaintiff's medical damages are \$27,856.84, not including that Plaintiff had to repair a
6 tear in her shoulder with Dr. William Muir. Defendant does not have amount of the
7 surgery. Neither Plaintiff nor her attorney presented a pre-litigation demand.

8 12. A true and correct copy of this Notice of Removal is being filed on this
9 date with the Clerk of the Eighth Judicial District Court, Clark County, Nevada.

10 Based on the foregoing, Defendant Bodega Latina Corporation, hereby removes
11 the above-referenced action now pending in the Eighth Judicial District Court, in and for
12 the County of Clark, as Case No. A-17-753989-C to this Court.

13 DATED this 8th day of May 2017.

14 BAUMAN LOEWE WITT & MAXWELL

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25
26 i Plaintiff's Complaint
27 ii Summons and Affidavit of Service
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